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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,578	07/22/2003	Steven R. Nelson	6991.US.01 7508	
23492 ROBERT DEB	7590 05/03/2007 ERARDINE	EXAMINER		
ABBOTT LAB	ORATORIES	FREAY, CHARLES GRANT		
100 ABBOTT PARK ROAD DEPT. 377/AP6A ABBOTT PARK, IL 60064-6008			ART UNIT	PAPER NUMBER
			3746	
			MAIL DATE	DELIVERY MODE
			05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary    The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Charles G. Fresby   3746			Application No.	Applicant(s)				
Charles G. Freay  3746  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of fine may be available under the provisions of 17 CPR 17 (19). In no event, however, may a religible timely seed after St. (8) MONTHS from the maining date of this communication.  - If NO periods for largy is appoilise above, the montrum statutory period will apply and will explain St. (19) and the st. (8) MONTHS from the maining date of the communication.  - If NO periods for largy is appoilise above, the montrum attention of the communication o	Office Action Summary		10/624,578	NELSON ET AL.				
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## **DETAILED ACTION**

This office action is in response to the Amendment of March 12, 2007. In making the below rejections the examiner has considered and addressed each of the applicant's arguments.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al in view of Pastrone as applied to claims 6-14 and 20-22 in the first office action.

Art Unit: 3746

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al in view of Pastrone et al as applied to claim 7 above, and further in view of Das et al as set forth in the previous office action.

## Response to Arguments

Applicant's arguments filed March 12, 2007 have been fully considered but they are not persuasive. The applicant has amended claims 1 and 16 to set forth that the pumping element includes a piston slider assembly having a piston head connected to a main body and that the single pressure sensor is connected to the pumping element between the piston head and the main body. Claim 7 has been amended to also have these limitations. The applicant argues that in "Pastrone, it appears that the pressure transducer 57 is not positioned between the piston head and the main body." The examiner disagrees. While the transducer is not located so that the piston head is completely on one side thereof and the main body is completely on the other side thereof, Pastrone does disclose that the piston head (53) is completely on one side thereof and at least a portion of the main body (51, the part which extends towards to lines and reference numeral 61) is one the other side of the single pressure transducer. Therefore the pressure transducer/sensor is between the main body and the piston head. The applicant's amendment of claims 1 and 16 has now made them fall within the scope of the rejection originally applied against claims 6-14 and 20-22.

Art Unit: 3746

## Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles G Freay Primary Examiner Art Unit 3746

CGF April 27, 2007